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Paper No. 9

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041 AU AUSTRALIA

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OCT 08 2004

In re Application of :  
Paul Lapstun et al :  
Application No. 09/609,553 :  
Filed: June 30, 2000 :  
Attorney Docket No. NPA068US :

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition, filed September 23, 2004, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, there was no response to the outstanding Office Action mailed on October 26, 2001. For applicants' convenience, a copy of the October 26, 2001 Office Action along with the new USPTO Fee Schedule effective October 1, 2004 is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                Mail Stop PETITION  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                U.S. Patent and Trademark Office  
                              2011 South Clark Place  
                              Customer Window  
                              Crystal Plaza Two, Lobby, Room 1B03  
                              Arlington, VA 22202

By facsimile:           (703) 872-9306  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.



Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachments: The October 26, 2001 Office Action and the new USPTO Fee Schedule effective October 1, 2004.